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10/020,123	10/30/2001	David D. Faraldo II	05220.P004	7352

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EXAMINER

LEROUX, ETIENNE PIERRE

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2161

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/020,123	Applicant(s) FARALDO, DAVID D.	
	Examiner Etienne P LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-23, 25-38, 40-48, 50-54, 57 and 58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-23, 25-38, 40-48, 50-54, 57 and 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Status

Claims 1-3, 5-23, 25-38, 40-48 and 50-54, 57 and 58 are pending; claims 4, 24, 39 and 49 are cancelled and claims 55 and 56 are not entered. Claims 1-3, 5-23, 25-38, 40-48, 50-54, 57 and 58 are rejected as detailed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3, 5-15, 18, 21, 23, 25-29, 31, 34, 37, 38, 40, 41, 45, 47, 48, 50, 57 and 58 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 7,069,309 (Dodrill et al), hereafter Dodrill in view of Pub No US 2002/0071442 (Yunzhou Li), hereafter Yunzhou Li in view of US Pat No 6,012,088 (Jim Li), hereafter Jim Li and further in view of US Pat No 6,542,595 (Hemzal), hereafter Hemzal

Claims 1, 15, 21, 34, 45 and 58:

Dodrill discloses:

configuration information pertaining to alert messages to be sent to a plurality of destinations via a plurality of notification methods [Dodrill, col 2, lines 60-65, notification preferences of a user, col 2, line 21, database of subscribers] the configuration information being specified by at

Art Unit: 2161

least one user for a plurality of business sites [Dodrill, col 2, lines 60-65, notification preferences of a user]

storing the configuration information in a database wherein the database associates each of the plurality of destinations with one or more of the plurality of notification methods [Dodrill, col 2, lines 60-65]

Dodrill discloses the elements of the claimed invention as noted above but does not disclose extracting at least a subset of the configuration information from the database based on an extraction parameter identifying one of a plurality of business sites. Yunzhou Li discloses extracting at least a subset of the configuration information from the database based on an extraction parameter identifying one of a plurality of business sites [paragraph 2]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill to include extracting at least a subset of the configuration information from the database based on an extraction parameter identifying one of a plurality of business sites as taught by Yunzhou Li for the purpose of multicasting across a network such as the Internet [paragraph 2]

The combination of Dodrill and Yunzhou Li discloses the elements of the claimed invention as noted above but does not disclose generating a text-based configuration file containing the extracted configuration information. Jim Li discloses generating a text-based configuration file containing the extracted configuration information [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include generating a text-based configuration file containing the extracted configuration information as taught by Jim Li for the purpose of handling the task of configuring the Internet access device at a customer site for communicating with the Internet [abstract].

Art Unit: 2161

The combination of Dodrill, Yunzhou Li and Jim Li discloses the elements of the claimed invention as noted above but does not disclose validating configuration information. Hemzal discloses validating configuration information [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include validating configuration information as taught by Hemzal for the purpose of checking the syntax and semantics of the user-friendly language [col 3, lines 20-25].

Claims 3, 23, 38 and 48:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses wherein the database is a relational database [Jim Li, col 9, line 50]

Claims 5 and 25:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses configuring a messaging application using the configuration file [Jim Li, email server 212, Fig 6, col 8, lines 35-50]

Claims 6, 26 and 41:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses periodically generating additional text-based configuration files according to a schedule [Jim Li, when a customer determines a desire for a connection, col 9, lines 25-30]

Claims 7, 27 and 57:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses wherein the database includes

Art Unit: 2161

configuration information for the plurality of business sites across a plurality of networks [Jim Li, Figs 1 and 2]

Claims 8 and 28:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses wherein the configuration information is used by at least one messaging application to transmit the plurality of alert messages to the plurality of destinations [Yunzhou Li, paragraph 2]

Claims 9, 29, 37 and 47:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses wherein the configuration information includes a contact [Jim Li, IP address, col 9, lines 40-45]

Claim 10:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses wherein the configuration information includes a contact method [Jim Li, col 9, lines 40-50]

Claim 11:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses wherein the configuration information includes a method type [Jim Li, col 9, lines 40-50]

Claim 12:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses wherein the configuration information includes a contact group [Jim Li, range of addresses, col 9, lines 40-45]

Claim 13:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses wherein the configuration information includes a contact group member [Jim Li, col 9, lines 40-45].

Claim 14:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above and furthermore discloses wherein the configuration information includes a schedule [Yunzhou Li, paragraph 2]

Claims 18, 31, 40 and 50:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal discloses compiling the configuration file into a compiled file at a later time [Jim Li, col 9, lines 50-60]

Claims 2, 22, 36 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dodrill, Yunzhou Li, Jim Li and Hemzal and further in view of US Pat No 4,837,798 (Cohen et al), hereafter Cohen.

Claims 2, 22, 36 and 46:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal Li discloses the elements of the claimed invention as noted above but does not disclose wherein the configuration information includes configuration keyword information recognizable by a messaging

Art Unit: 2161

application. Cohen discloses wherein the configuration information includes configuration keyword information recognizable by a messaging application [col 7, lines 35-40]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include wherein the configuration information includes configuration keyword information recognizable by a messaging application as taught by Cohen for the purpose of formatting the user's input in a format that is recognizable by the recipient's receiving application [col 7, lines 30-40].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dodrill, Yunzhou Li, Jim Li and Hemzal as applied to claim 1 above, and further in view of US Pat No 7,145,898 (Elliott), hereafter Elliott.

Claim 16:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal discloses the elements of the invention as noted above but does not disclose wherein the configuration information includes a pager type. Elliott discloses a pager type [Fig 19F and as below]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above

Art Unit: 2161

combination of references to include pager type as taught by Li for the purpose of sending a text message.

Elliott discloses:

In an embodiment, the order entry system 1945 generates complete profile information for a given telephone number, including, name, address, fax number, secretary's number, wife's phone number, pager, business address, e-mail address, IP address and phonemail address. This information is maintained in a database that can be accessed by everyone on the network with authorization to do so. In an alternate embodiment, the order entry system utilizes a web interface for accessing an existing directory service database 1934 to provide information for the profile to supplement user entered information.

Claims 17, 30, 43 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dodrill, Yunzhou Li, Jim Li and Hemzal as applied to claims 1, 21 and 34 above, and further in view of US Pat No 6,66,661 (Lewish et al), hereafter Lewish.

Claims 17, 30, 43 and 53:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal discloses the elements of the invention as noted above but does not disclose at least one include file for a plurality of sections within the configuration file. Lewish discloses at least one include file for a plurality of sections within the configuration file [Fig 4, 410, col 4, lines 25-55]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include at least one include file for a plurality of sections within the configuration file as taught by Lewish for the purpose of creating a common set of configuration data.

Art Unit: 2161

Claims 19, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dodrill, Yunzhou Li, Jim Li and Hemzal as applied to claims 1, 21 and 34 above, and further in view of US Pat No 6,327,628 (Anuff et al), hereafter Anuff.

Claims 19, 32 and 35:

the combination of Dodrill, Yunzhou Li, Jim Li and Hemzal discloses the elements of the invention as noted above but does not disclose updating the configuration information stored in the database through a portal. Anuff discloses updating the configuration information stored in the database through a portal [col 5, lines 60-65]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include updating the configuration information stored in the database through a portal as taught by Anuff for the purpose of allowing the portal provider to use existing implementations or define their own [col 5, lines 60-65].

Claims 20, 33, 44 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dodrill, Yunzhou Li, Jim Li and Hemzal as applied to claims 1, 21 and 34 above, and further in view of US Pat No 6,519,642 (Olsen et al), hereafter Olsen.

Claims 20, 33, 44 and 54:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal discloses the elements of the invention as noted above but does not disclose wherein the extracting is performed over a secure communication pathway. Olsen discloses wherein the extracting is performed over a secure communication pathway [col 1, lines 55-60]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of

Art Unit: 2161

references to include wherein the extracting is performed over a secure communication pathway as taught by Olsen for the purpose of preventing eavesdropping [col 1, lines 55-60].

Claims 42, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dodrill, Yunzhou Li, Jim Li and Hemzal as applied to claims 34, 40 above, and further in view of US Pat No 7,127,535 (Huebsch et al), hereafter Huebsch.

Claims 42, 51 and 52:

The combination of Dodrill, Yunzhou Li, Jim Li and Hemzal discloses the elements of the invention as noted above but does not disclose wherein the scheduling tool is at least one from a group consisting of a windows scheduler on a unix cron. Huebsch discloses the scheduling tool is at least one from a group consisting of a windows scheduler on a unix cron [Fig 5]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include the scheduling tool is at least one from a group consisting of a windows scheduler on a unix cron as taught by Huebsch for the purpose of controlling the configuration and usage of the server hardware and software resources.

Response to Arguments

Applicant's arguments filed 10/15/2007 have been considered but are not persuasive for the following reasons.

Declaration Under 37 C.F.R. 1.131.

The declaration filed on 10/15/2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Dodrill reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Dodrill reference i.e., October 19, 2000.

Applicant Argues:

The Declaration in section 2. states:

I have reviewed the application, including the claims of the application, and I have also reviewed a copy of the current claims which are pending (a copy of which is attached as Exhibit A)

Examiner Responds:

Examiner is not persuaded. The scope of the Declaration is not commensurate with the scope of the claims because “reviewing a copy of the current claims” does not prove that the limitations of the claimed invention are supported by documentation existing prior to October 19, 2000.

Applicant Argues:

The Declaration in section 4 states:

The claimed invention was implemented prior to October 19, 2000. Hence, the claimed invention was reduced to practice prior to October 19, 2000.

Examiner Responds:

Examiner is not persuaded. Applicant provides no evidence of the asserted "implementation." Specifically, no evidence is provided that apparatus actually existed and worked for its intended purpose per the claimed invention.

Applicant Argues:

The Declaration in section 5 states:

Exhibit B attached herewith is a title page of a Product Requirements Document (PRD) for NOCpulse Internet Operational Support Service, dated August 30, 2000, i.e., prior to October 19, 2000. The PRD is an internal document that describes the NOCpulse service incorporating the Telalert system which is the subject matter of the above identified patent application.

Examiner Responds:

Examiner is not persuaded. Examiner found no evidence of the date of August 31, 2000 and therefore, the existence of Exhibit B prior to October 19, 2000 is questionable. The Declaration states that the Telalert system is the subject matter of the above identified patent application. As stated above, the scope of the Declaration is not commensurate with the scope of the claims because the claim limitations have not been mapped to Exhibit B. Furthermore, applicant only provided the title page of NOCpulse Internet Operational Support Service Product Requirements Document which certainly cannot be mapped to the claim limitations. Still further, actual reduction to practice of Exhibit B is questionable because Exhibit B is Draft Version 8.30.00. It is unclear whether and if a Final Version exists. A Final Version is more likely to support actual reduction to practice than a draft version. Exhibit B fails to establish actual reduction to practice prior to October 19, 2000.

Art Unit: 2161

Applicant Argues:

The Declaration in section 6 states:

Exhibit C attached herewith includes page 10 of the PRD, stating that the Telalert system has been integrated into the NOCpulse service. Page 10 describes the Telalert system that provides the functionality of the presently claimed invention. As stated above, the PRD is dated prior to October 19, 2000.

Examiner Responds:

Examiner is not persuaded. Examiner finds no evidence of any (emphasis added) date because page 10 of Exhibit C was not included in the Declaration. Furthermore, Exhibit C fails to provide evidence of the functionality of the presently claimed invention because the limitations of claim 1 are not mapped to Exhibit C. Still further, no test results were provided as evidence that apparatus existed and worked to achieve the functionality of the presently claimed invention. Further, actual reduction to practice of the present invention as evidenced by Exhibit C is questionable because Exhibit C is designated "Draft Version Only." It is unclear whether and if a Final Version exists. A Final Version is more likely to support actual reduction to practice than a draft version. Exhibit C fails to establish actual reduction to practice.

Conclusion:

The declaration provides no (emphasis added) evidence of actual reduction to practice of the present invention as claimed in claim 1 prior to October 19, 2000. The prior art rejections in view of Dodrill and Yunzhou Li will be maintained.

Applicant Argues:

Applicant states in the fourth paragraph of page 4 “Contrary to the presently claimed invention, Jim Li does not teach or suggest validating configuration information pertaining to alert messages to be sent to multiple destinations via different notification methods, the configuration information being specified by at least one user for multiple business sites, and then storing the configuration information in a database that associates each destination with one or more notification methods.

Examiner Responds:

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As shown in above Office action and reproduced below, Hemzal discloses validating configuration information.

The combination of Dodrill, Yunzhou Li and Jim Li discloses the elements of the claimed invention as noted above but does not disclose validating configuration information. Hemzal discloses validating configuration information [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include validating configuration information as taught by Hemzal for the purpose of checking the syntax and semantics of the user-friendly language [col 3, lines 20-25].

Applicant Argues:

Applicant states in the first paragraph of page 13 “Neither does Jim Li teach or suggest extracting at least a subset of the configuration information from the database based on an extraction parameter identifying one business site and generating a text-based configuration file containing the extracted configuration information as claimed in the present invention. Accordingly, Jim Li lacks all the features of the present invention claimed in claims 1, 21, 34 and 45.

Examiner Responds:

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Dodrill discloses the elements of the claimed invention as noted above but does not disclose extracting at least a subset of the configuration information from the database based on an extraction parameter identifying one of a plurality of business sites. **Yunzhou Li** discloses extracting at least a subset of the configuration information from the database based on an extraction parameter identifying one of a plurality of business sites [paragraph 2]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill to include extracting at least a subset of the configuration information from the database

Art Unit: 2161

based on an extraction parameter identifying one of a plurality of business sites as taught by Yunzhou Li for the purpose of multicasting across a network such as the Internet [paragraph 2]

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-2800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

11/6/2007



ETIENNE LEROUX
PRIMARY EXAMINER